

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Special Permit #1929

**DATE:** August 29, 2001

**PROPOSAL:** Park and display vehicles in the front yard.

**WAIVER REQUEST:** None

**LAND AREA:** 1.23 acres, more or less

**CONCLUSION:** This application does not meet the standard for required landscaping and landscape screen. Any area in a required front yard used for such storage of vehicles must conform to the parking lot design standards unless specifically adjusted or waived by City Council, Section 27.63.700. The permitting storage of vehicles for sale in the required front yard does not protect or enhance the character of the area or of the community as a whole.

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|-------------------------------|
| <b><u>RECOMMENDATION:</u></b> |
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|        |
|--------|
| Denial |
|--------|

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 1 T. O. Haas Addition, in the S1/2 of Section 22, T10N,R6E, Lincoln, Lancaster County.

**LOCATION:** 702 West "O" Street

**APPLICANT:** Red Star Auto Plaza, L.L.C.

**OWNER:** Red Star Auto Plaza, L.L.C.

**CONTACT:** William F. Austin

**EXISTING ZONING:** H-3 Highway Commercial District

**EXISTING LAND USE:** Auto Sales

### **SURROUNDING LAND USE AND ZONING:**

North: Recycling center zoned I-1 across West "P" Street

South: Zoned I-1 south of West "O" Street. Directly south is vacant.

East: Commercial use zoned H-3

West: Restaurant zoned H-3

**HISTORY:**

Prior to 1979 the north half of the lot was zoned “K” Light Industrial and the south half was zoned H-2 Highway Commercial.

In 1979 zoning was changed to H-3 Highway Commercial District.

On October 20, 1997 City Council approved Special Permit #1705 located south of West “O” Street at Capitol Beach Blvd. to allow the storage of vehicles for sale in the front yard.

On April 10, 2000 City Council denied Special Permit #1818 located at 702 West “O” Street, the same site, to allow the storage of vehicles for sale in the front yard.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The Land Use Plan shows this lot as commercial.

Page 65 of the Lincoln City-Lancaster County Comprehensive Plan identifies General Commercial Areas. “General Commercial Areas reflect those areas where commercial uses have grown in strip configuration along major thoroughfares.” West “O” Street is identified within the General Commercial Areas. Goals within the General Commercial Areas include “Improve the West “O” area.”

Strategies outlined on page 66 to meet the goal include the installation of landscaping.

**UTILITIES:** Public water, sanitary sewer and storm sewer are available to the site.

**TRAFFIC ANALYSIS:** The lot has access to both West “O” Street and West “P” Street.

**PUBLIC SERVICE:** The nearest fire station is located at 2<sup>nd</sup> and “N” Streets.

**REGIONAL ISSUES:** West “O” is a major entrance into Lincoln.

**AESTHETIC CONSIDERATIONS:** A landscape plan was not provided with this application. Design Standards require a landscape screen.

**ANALYSIS:**

1. The storage of vehicles for sale and resale in the front yard is allowed by special permit in the H-3 zoning district.
2. Any area in a required front yard used for storage of vehicles must conform to the parking lot design standards.
3. Parking lot design standards requires landscape screening for parking lots.
4. A landscape plan was not provided with this application.
5. Parking is permitted in the front yard in the H-3 district (27.67.030). However, vehicles do not consistently occupy parking spaces as would be the case with storage of vehicles for sale.
6. The entire site is paved with asphalt, including the front and side yards.
7. Special Permit #1818 to allow the storage of vehicles for sale in the front yard at 702 West "O" Street was denied by City Council on April 10, 2000. Permitting the storage of vehicles for sale and resale in the front yard does not protect or enhance the character of the area or the community as a whole.

However should the Planning Commission after a public hearing choose to approve the special permit the following are suggested conditions:

**CONDITIONS:**

Site Specific:

1. This approval permits the storage of vehicles for sale and resale in the front yard of this lot provided:
  - 1.1 If the use of the premises is changed from vehicle sales, this special permit shall not be considered an adjustment or waiver of the standards for a parking lot nor shall the area be considered a nonconforming parking lot.
  - 1.2 The hood or trunk or both shall not be left open on the stored vehicles for sale and resale in the front yard except when the vehicle is inspected by a customer or for servicing.

General:

2. Before storing vehicles for sale or resale in the front yard:
  - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
    - 2.1.1 A revised site plan showing the following revisions:
      - 2.1.1.1 Standard parking lot barriers to prevent vehicles for sale from extending into the street.
      - 2.1.1.2 Parking stall and drive aisle dimensions with type of surfacing. The parking areas do not need to be striped, however they must be shown for review of standards.
      - 2.1.1.3 A landscape plan that conforms to the design standards.
      - 2.1.1.4 Add a note that the hood or trunk or both shall not be open except when inspected by a customer or for servicing.

STANDARD CONDITIONS:

2. The following conditions are applicable to all requests:
  - 2.1 Before storing vehicles for sale or resale in the front yard all development and construction is to comply with the approved plans.
  - 2.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.
  - 2.7 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 2.8 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 2.9 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Tom Cajka  
Planner

I:\PC\Permits\bpspfa



**Special Permit #1929**  
**702 West 'O' St.**

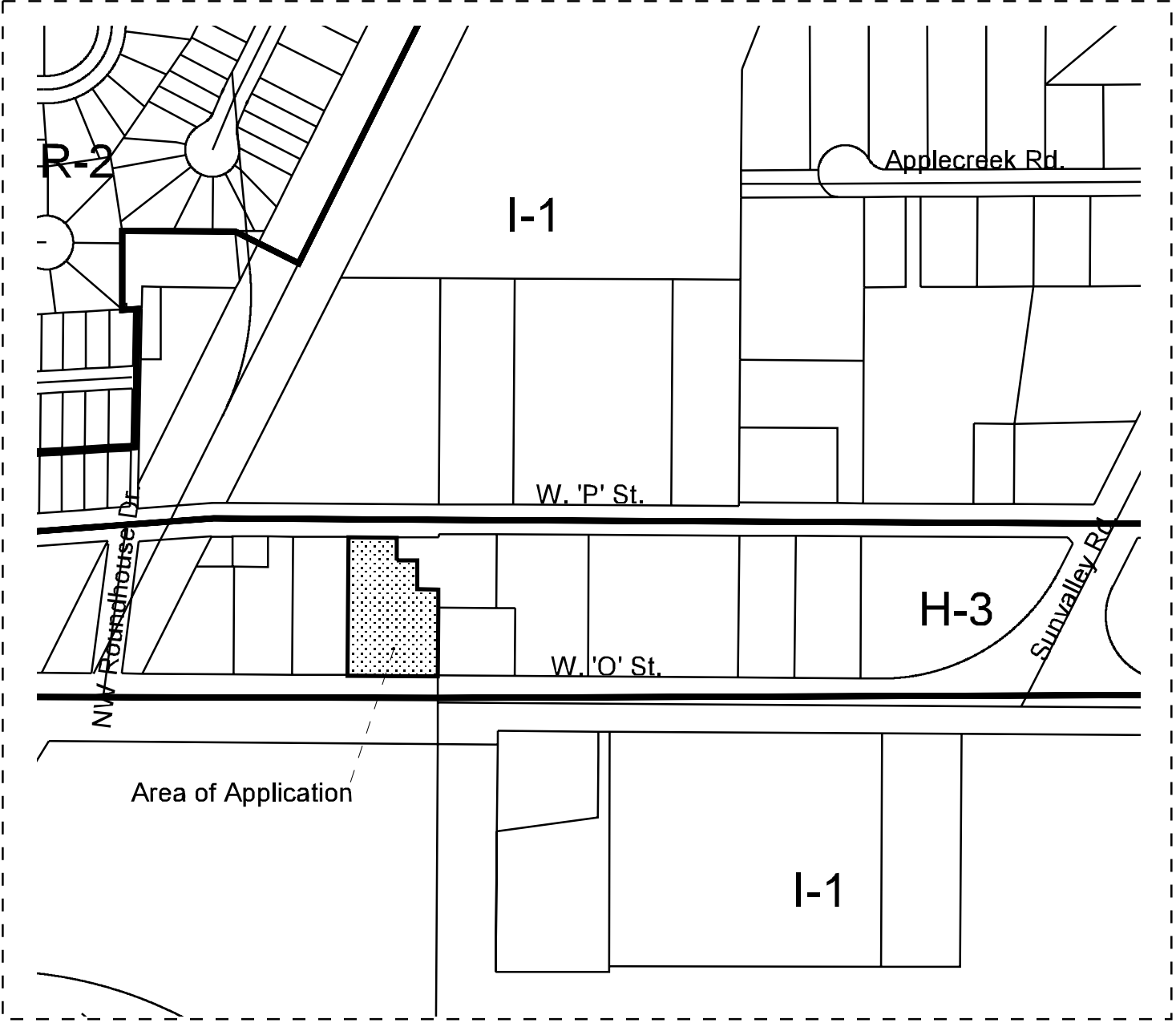


Sheet \_\_\_\_\_ of \_\_\_\_\_

Date: \_\_\_\_\_

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

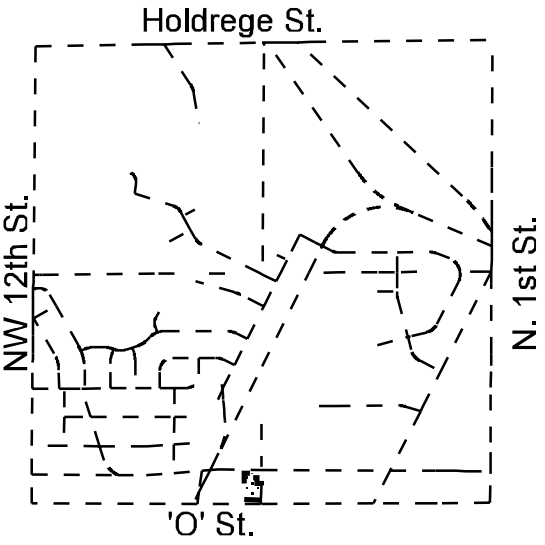
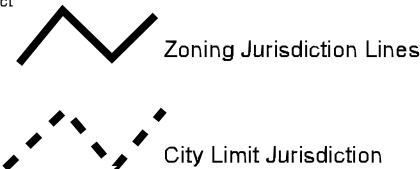


**Special Permit #1929**  
**702 West 'O' St.**

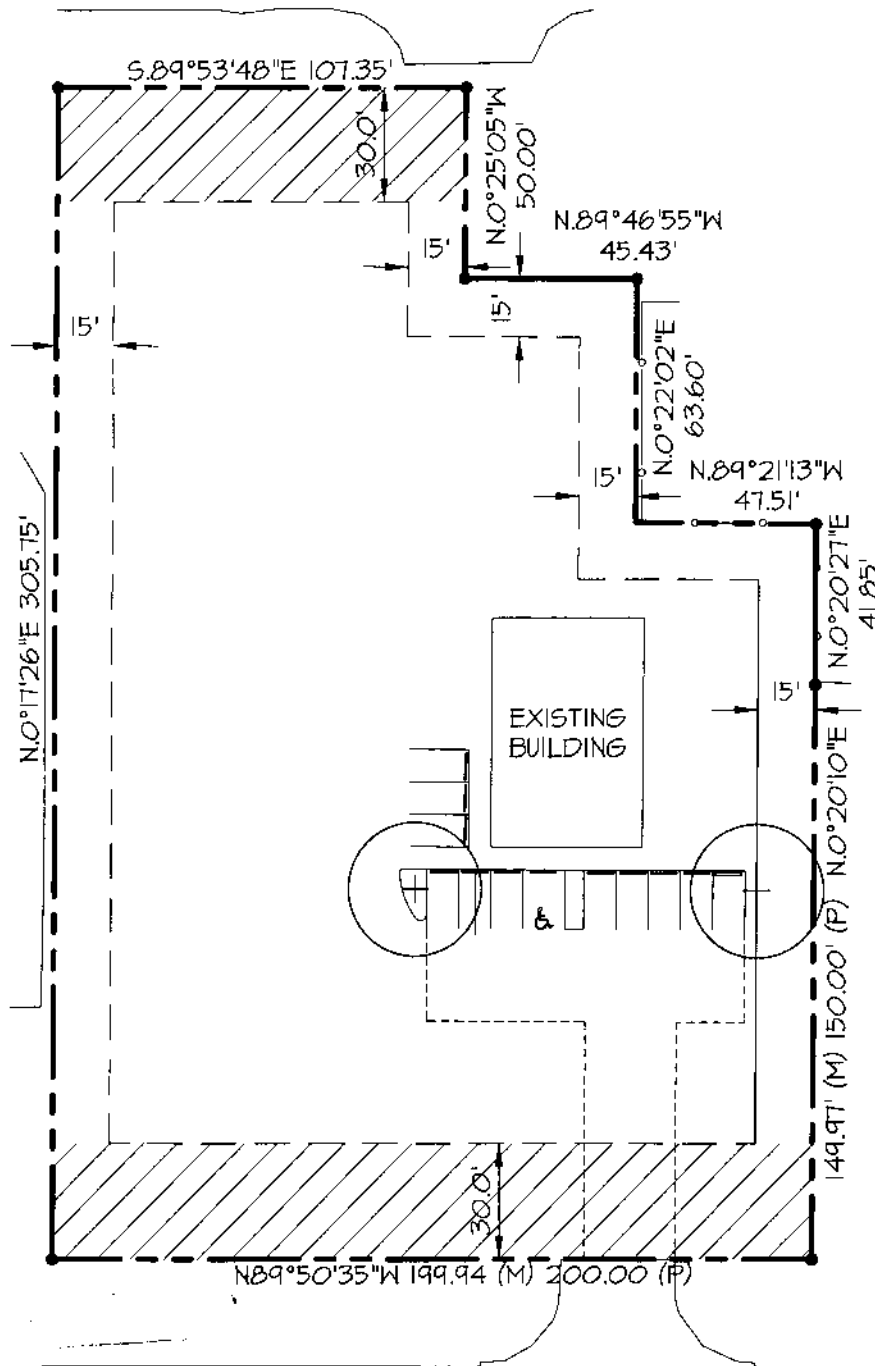
**Zoning:**

- |            |  |
|------------|--|
| R-1 to R-8 | Residential District                   |
| AG         | Agricultural District                  |
| AGR        | Agricultural Residential District      |
| R-C        | Residential Conservation District      |
| O-1        | Office District                        |
| O-2        | Suburban Office District               |
| O-3        | Office Park District                   |
| R-T        | Residential Transition District        |
| B-1        | Local Business District                |
| B-2        | Planned Neighborhood Business District |
| B-3        | Commercial District                    |
| B-4        | Lincoln Center Business District       |
| B-5        | Planned Regional Business District     |
| H-1        | Interstate Commercial District         |
| H-2        | Highway Business District              |
| H-3        | Highway Commercial District            |
| H-4        | General Commercial District            |
| I-1        | Industrial District                    |
| I-2        | Industrial Park District               |
| I-3        | Employment Center District             |
| P          | Public Use District                    |

One Square Mile  
 Sec. 22 T10N R6E



# WEST "P" STREET



## LEGEND:

LIMIT OF SPECIAL USE PERMIT

## LEGAL DESCRIPTION:

LOT 1, T.O. HAAS ADDITION  
S. 1/2 SECTION 22, T 10 N, R 6 E  
LINCOLN, LANCASTER,  
NEBRASKA

ZONING: H-3  
FRONT YARD: 30'  
SIDE YARD: 15'  
REAR YARD: 30'

AUG 23

# WEST "O" STREET



## SITE PLAN

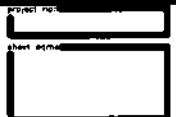
SCALE: 1" = 50'

1 of 1

DESIGN ASSOCIATES OF LINCOLN, INC.

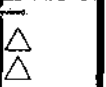


1609 "N" STREET  
LINCOLN, NEBRASKA 68508  
PHONE: (402) 474-3000  
FAX: (402) 474-4045  
desassoc@nebraska.com



**RED STAR AUTO**  
SPECIAL USE PERMIT  
LINCOLN, NEBRASKA

23 AUG 01





# M e m o r a n d u m

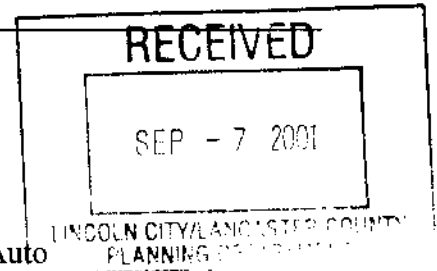
**To:** Tom Cajka, Planning Department

**From:** Charles W. Baker, Public Works and Utilities *BWB*

**Subject:** T.O. Haas Subdivision Special Permit # 1929, Red Star Auto

**Date:** September 5, 2001

**cc:** Roger Figard  
Nicole Fleck-Tooze



The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for parking in the front yard set-back at 702 West "O" Street for Special Permit # 1929.

Public Works requests that a parking lot layout be provided showing parking stall and drive aisle dimensions with type of surfacing and parking lot barriers that meet City of Lincoln Paring Lot Design Standards. The parking areas do not need to be striped. However, they must be shown for review of standards and screening must be provided for Planning Department's review.

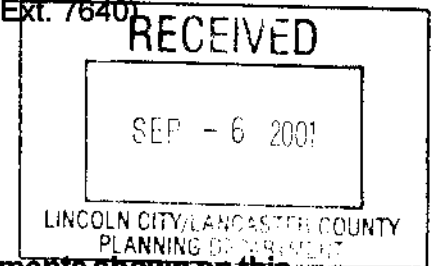


INTER-DEPARTMENT COMMUNICATION

TO Tom Cajka, City Planning  
SUBJECT DEDICATED EASEMENTS  
DN #1N-7W

DATE September 5, 2001

FROM Sharon Theobald  
(Ext. 7640)



Attached is the Special Permit Request for West "P" St.

**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

ALLTEL, Time Warner Cable, and the Lincoln Electric System will not require any additional easements.

ST/nh  
Attachment  
c:Terry Wiebke  
Easement File

RECEIVED

SEP - 6 2001

LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

**INTER-DEPARTMENT COMMUNICATION**

**TO:** Tom Cajka  
**DEPARTMENT:** Planning Department

**DATE:** September 4, 2001 *RLS*  
**FROM:** Richard Slama

**ATTENTION:**

**DEPARTMENT:** Lincoln-Lancaster County  
Health Department

**CARBONS TO:** Bruce Dart  
Scott Holmes  
File

**SUBJECT:** Application Review--  
Special Permit #1929  
702 West "O" Street

The proposed Special Permit No. 1929 has been reviewed. There are no Public Health issues with the storage and display of vehicles in the front yard.



**Rodger P Harris**

09/06/2001 02:58 PM

To: Thomas J Cajka/Notes@Notes

cc: Chuck A Zimmerman/Notes@Notes

Subject: SP 1929, 702 W. O Street, storage of vehicles for sale in the front yard setback.

We have reviewed the above application and have the following comments to offer:

1. Show the locations, by dimensions, of proposed vehicle storage locations within the front yard setback, to show conformance with the parking lot design standards as required per Sec. 27.63.700 LMC.
2. Show on the site plan, the surfacing type of both front yard setback areas, in compliance with the parking lot design standards.